

**FENWICK & WEST LLP**

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FACSIMILE TRANSMISSION

CONFIDENTIAL

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DATE: July 23, 2004

CLIENT-MATTER NO.: 20662-07121/US
Client Ref. No. 200305089-2

TO:

NAME	FAX NO.	PHONE NO.
USPTO	(703) 872-9306	

FROM: Daniel R. Brownstone
Reg. No. 46,581

PHONE: (415) 875-2358

SENT BY: Tracie Brooks

PHONE: (415) 875-2482

NUMBER OF PAGES WITH COVER PAGE: 6

ORIGINAL WILL NOT FOLLOW

MESSAGE:

Application No.: 09/898,497
Filing Date: July 5, 2001

Please See The Attached
NOTICE OF APPEAL

A1000/00103/SF/5121030.1

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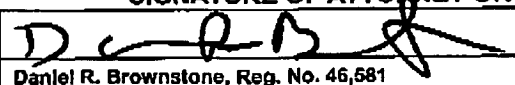
PLEASE CALL Tracie Brooks AT (415) 875-2482 AS SOON AS POSSIBLE.

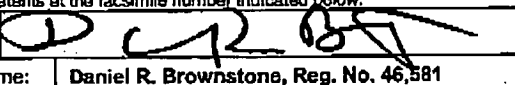
PAGE 1/6 * RCVD AT 7/23/2004 9:48:04 PM [Eastern Daylight Time] * SVR:USPTO-EFAXF-1/0 * DNIS:8729306 * CSID:+14153950879 * DURATION (mm-ss):03-00

+

0001/PTO Rev. 10/95 U.S. Department of Commerce Patent and Trademark Office TRANSMITTAL FORM (to be used for all correspondence during pendency of filed application)	Application Number		09/898,497
	Filing Date		July 5, 2001
	First Named Inventor		Hirohisa A. Tanaka
	Group Art Unit Number		3627
	Examiner Name		James McClellan
Total Number of Pages in This Submission	5	Attorney Docket Number	20662-07121

ENCLOSURES (check all that apply)	
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed <input type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Assignment & Recordation Cover Sheet <input type="checkbox"/> Declaration <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A <input type="checkbox"/> Copies of IDS Cited References <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Request for Correction of Recorded Assignment <input type="checkbox"/> Amendment/Response: [] Page(s) <input type="checkbox"/> After Final <input type="checkbox"/> Status Request <input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): [] Sheet(s) of Figure(s) [] <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Fax cover sheet _____ _____ _____ _____ _____ _____
REMARKS:	

SIGNATURE OF ATTORNEY OR AGENT		
Signature:		
Attorney/Reg. No.:	Daniel R. Brownstone, Reg. No. 46,581	Dated: 23 July 2004

CERTIFICATE OF FACSIMILE TRANSMISSION		
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Signature:		
Typed or Printed Name:	Daniel R. Brownstone, Reg. No. 46,581	Dated: 23 July 2004
Facsimile Number:	1-703-872-9306	

20662/07121/SF/5125356.1

PATENT

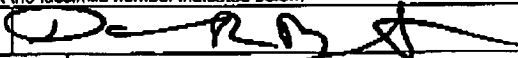
IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

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APPLICANT(S): HIROHISA A. TANAKA
APPLICATION NO.: 09/898,497
FILING DATE: JULY 5, 2001
TITLE: METHOD AND APPARATUS FOR LOCATION-
SENSITIVE, SUBSIDIZED CELL PHONE BILLING
EXAMINER: MCCLELLAN, JAMES S.
GROUP ART UNIT: 3627
ATTY. DKT. NO.: 20662-07121

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Facsimile Number:	1-703-872-9306	

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

NOTICE OF APPEAL


SIR:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner, mailed February 27, 2004, finally rejecting claims 1-33.

Pursuant to 37 CFR § 1.17(e), enclosed is payment in the amount of \$ 165.00 (small entity) for the filing of the Notice of Appeal.

Respectfully submitted,
HIROHISA A. TANAKA

Dated: 23 July 2004

By: 
Daniel R. Brownstone Reg. No.: 46,581
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (415) 875-2358
Fax.: (650) 938-5200

20662/07121/SF/5125358.11

FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**375.00**

Complete if Known

Application Number	09/898,497
Filing Date	July 5, 2001
First Named Inventor	Hirohisa A. Tanaka
Examiner Name	J.S. McClellan
Art Unit	3627
Attorney Docket No.	20862-07121

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
Deposit Account Number **19-2555**Deposit Account Name **Fenwick & West LLP**

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	630	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	43	Independent claims in excess of 3	
1203	280	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

-or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,620	1812	2,620	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	210.00
1253	850	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	165.00
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,610	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1463	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	840	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(g)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

SUBTOTAL (3) (\$)**375.00**

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type) **Daniel R. Brownstone**

Registration No. (Attorney/Agent)

46,581

Complete (if applicable)

Telephone (415) 875-2358

Signature



Date

23 July 2004

FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/898,497
Filing Date	July 5, 2001
First Named Inventor	Hirohisa A. Tanaka
Examiner Name	J.S. McClellan
Art Unit	3627
Attorney Docket No.	20662-07121

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 375.00)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number 19-2555

Deposit Account Name Fenwick & West LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee

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Code (\$)	Code (\$)		
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1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Large Entity	Small Entity	Fee Description	Fee Paid
Code (\$)	Code (\$)		
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	**Reissue Independent claims over original patent	
1205 18	2205 9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Code (\$)	Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
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1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
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1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
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1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
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1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	2460 130	Petitions to the Commissioner	
1807 50	2807 50	Processing fee under 37 CFR 1.17(g)	
1806 180	2806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	2802 900	Request for expedited examination of a design application	
Other fee (specify):			
SUBTOTAL (3)			(\$ 375.00)

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type) Daniel R. Brownstone

Registration No. 46,581
(Attorney/Agent)

Complete (if applicable)

Telephone (415) 875-2358

Signature

Date

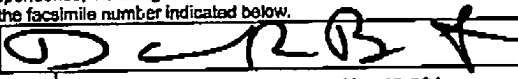
23 July 2004

PATENT

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APPLICANT(S): HIROHISA A. TANAKA
APPLICATION NO.: 09/898,497
FILING DATE: JULY 5, 2001
TITLE: METHOD AND APPARATUS FOR LOCATION-SENSITIVE, SUBSIDIZED CELL PHONE BILLING
EXAMINER: MCCLELLAN, JAMES S.
GROUP ART UNIT: 3627
ATTY. DKT. NO.: 20662-07121

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Signature:		
Typed or Printed Name:	Daniel R. Brownstone, Reg. No. 46,581	Dated: 23 July 2004
Facsimile Number:	1-703-872-9306	


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INTERVIEW SUMMARY

Applicant's representative Daniel R. Brownstone, Reg. No. 46,581 and Examiner James S. McClellan had a telephonic interview on May 25, 2004 regarding the above-referenced application. No exhibits were shown. Claim 1 and prior art by Owensby were discussed. Agreement with respect to the claims was not reached.

Respectfully submitted,
HIROHISA A. TANAKA

Dated: 23 July 2004.

By: 
Daniel R. Brownstone Reg. No.: 46,581
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (415) 875-2358
Fax.: (650) 938-5200

20662/07121/DOCS/1453411.11